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REMARKS

Claims 1-39 are presented, based on the text throughout the application, including the Examples and the original claims. In response to the action, Claim 1 has been amended. In order to make them consistent with amended Claim 1, Claims 2, 9-11 and 22-27 have also been amended. In addition, Claims 31 and 33 has been amended and new Claim 39 and 40 has been added. No new matter is added. Favorable reconsideration and allowance of this application, as amended and responded to herein, is respectfully requested.

The 35 U.S.C. § 112 Rejection

Claims 1-38 have been rejected under 35 U.S.C. § 112, first paragraph, as “containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s), at the time the application was filed, had possession of the claimed invention.” Specifically, the Examiner rejects the proviso ‘wherein A, G¹ and G² cannot simultaneously be N’ as “lacking description.”

Claim 1 has been amended to delete this proviso. Applicants thus deem this rejection obviated and respectfully request withdrawal thereof.

Additional Claim Amendments

Claim 1 has also been amended to delete “N” from the Markush group members for substituent A. The listing of possible selections for substituent A in the instant application is

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a proper Markush group recited in language alternative to the conventional manner. *See Manual of Patent Examining Procedure, § 2173.05(h)*. As a Markush group, the member selections for substituent A are interpreted as interchangeable for purposes of this invention. *Id.* Accordingly, the original disclosure regarding substituent A is a proper description of not only each group member, but also a limited number of the Markush group members as well.

This amendment merely deletes one group member, resulting in a slightly limited Markush group, rather than a new subgenus. Since such a slightly limited group is adequately supported and described by the original group disclosure, amended Claim 1 satisfies the § 112, first paragraph, written description requirement.

The additional amendments are mere formal changes that serve to clarify the invention. These amendments thus do not introduce new matter and are fully supported by the instant disclosure. Claims 2 and 10 have been amended simply to make them consistent with the earlier amended Claim 1 from which they depend.

The amendments to Claims 9, 11 and 22-27 are mere corrections of formal matters that change their claim dependencies to independent and that make them consistent with this amendment.


The Claim 31 amendment deletes two species in order to make Claim 31 consistent with the claim from which it depends. New Claim 40 simply claims the two species deleted from Claim 31 in independent form and thus does not introduce new matter.

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The Claim 33 amendment is a simple formal change that deletes one species. This species is claimed in independent form in new Claim 39. Since new Claim 39 merely claims the species deleted from Claim 33, it does not introduce new matter.

In view of the foregoing amendments and remarks it is firmly believed that the subject invention is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

By: 
Mitul I. Desai
Reg. No. 46,661
Attorney for Applicants

Merck & Co., Inc.
P.O. Box 2000
Rahway, NJ 07065-0907
(732) 594-3190

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